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ABSTRACT

The Citizens' Advisory Council on the Status of Women in October 1970 adopted a statement of principles that views childbirth and complications of pregnancy, for all job-related purposes, as temporary disabilities that should be treated as such under any health insurance, temporary disability insurance, or sick leave plan of an employer, union, or fraternal society. The pamphlet provides information pertaining to general background, Federal Social Security, Federal government employees, temporary disability insurance, and special benefits. (EA)

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JOB-RELATED MATERNITY BENEFITS

November 1970

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JOB-RELATED MATERNITY BENEFITS

The Council adopted the following Statement of Principles on October 29, 1970:

> Childbirth and complications of pregnancy are, for all job-related purposes, temporary disabilities and should be treated as such under any health insurance, temporary disability insurance, or sick leave plan of an employer, union, or fraternal society. Any policies or practices of an employer or union, written or unwritten, applied to instances of temporary disability other than pregnancy should be applied to incapacity due to pregnancy or childbirth, including policies or practices relating to leave of absence, restoration or recall to duty, and seniority.
>
> No additional or different benefits or restrictions should be applied to disability because of pregnancy or childbirth, and no pregnant woman employee should be in a better position in relation to job-related practices or benefits than an employee similarly situated suffering from other disability.

General Background

1. There is now no uniformity of treatment for disability because of pregnancy under existing job-related insurance and leave with pay systems providing protection against medical costs and/or loss of income due to temporary disability. In the United States absences from employment necessitated by childbirth or complications of pregnancy are sometimes covered by job-related temporary disability insurance and/or sick leave plans. Sometimes such absences are excluded from such plans or included with special limits. Job-related health insurance plans may cover hospital and/or other medical costs associated with pregnancy; may cover such costs with special limitations; or may not cover maternity medical costs at all. Sometimes employees have reemployment rights after absence of a given number of weeks due to pregnancy; sometimes pregnancy is reason for discharge.

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Considerable interest has been evidenced in this subject by public and private employers and unions in recent months. The Council hopes, in answer to requests, that it may be of service by suggesting what seems to us to be the most equitable and reasonable approach under our present system of private and government social benefits.

2. There are no Government data available on the extent to which medical costs of childbirth are covered in private health insurance programs; nor are there any data available on the extent to which loss of income due to absence because of childbirth is covered by private sick leave or temporary disability insurance programs.

Federal Social Security System

3. The Federal social security system of the United States does not have a national health program or insurance against loss of income for employed persons who are unable to work because of temporary disability. European countries provide maternity benefits within such a framework. In no European country does an employer pay a higher contribution for female employees than for male employees.[1]

Federal Government Employees

4. The Federal government has for its own employees a sick leave system providing 13 days of sick leave at full pay per year, which may be accumulated without limit. Sick leave, vacation leave, and leave without pay may be used for absences due to pregnancy. Government employees have the option, with the Government sharing in the cost, of subscribing to a variety of health insurance plans, all of which include costs of delivery and pre-natal care in their family plan coverage.

Some State governments have sick leave systems, which may or may not cover absences because of childbirth.

Temporary Disability Insurance

5. Insurance against loss of income for employed persons unable to work temporarily because of disability is usually called "temporary disability

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1/ U.S. Department of Health, Education, and Welfare, Social Security Administration: Social Security Programs throughout the World-1969, Research Report No. 31, pp. 10, 14, 22, 58, 62, 72, 74, 80, 86, 98, 110, 114, 136, 154, 164, 176, 178, 180, 196, 202, 204, 218, 226, and 242.

insurance:" it may be government-sponsored or provided by employers, unions, or fraternal groups. Temporary disability insurance usually provides for less than full pay for maximum periods of about 26 weeks. Sick leave plans ordinarily provide full pay for short periods each year, with some plans permitting accumulations of unused leave from year to year.

6. Government-sponsored temporary disability insurance systems exist in California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico. The railroad industry also has a temporary disability insurance system administered by the Railroad Retirement Board. These systems are financed solely by employee contributions or by joint employer-employee contributions.

Of the State laws, only those of New Jersey and Rhode Island require payment of benefits for a normal delivery, and they put limitations on these benefits which are not applicable to other disabilities.[2/] Cases of abnormal delivery are usually covered.

7. Some employers and some State temporary disability systems treat childbirth as a temporary disability and some consider it a "normal physiological condition." The Council concluded that for purposes of employment it is a temporary disability. Economically it makes no difference whether an employee is unable to work at his regular job because of pregnancy or because of hernia, ulcers, or any other illness or accident; in any case he or she suffers loss of pay and has extra medical expenses.

The notion that pregnancy is a "normal physiological condition" has been advanced as a reason for denying women benefits provided for temporary disabilities and occasionally as a reason for providing leaves of absence not provided for other disabilities. Since there are no existing systems or guides for giving leave of absence or insurance benefits for "normal physiological conditions," a variety of policies for this special category result. Some of these create an inequity between benefits because of disability due to pregnancy and benefits because of all other temporary disabilities. A woman about to give birth is temporarily disabled for work, is under the care of a physician, and is usually hospitalized.

2/ Those interested in further details on temporary disability insurance in the U.S. should see the Citizens' Advisory Council on the Status of Women, Report of the Task Force on Social Insurance and Taxes, p. 8 et seq. and p. 45 et seq.; also U.S. Department of Labor, "Comparison of State Unemployment Insurance Laws," BES No. U-141, Rev. August 1970.

Special Benefits

8. The Council considered whether special benefits for maternity not provided for other temporary disabilities are ever justified. Since women are subject to all the other disabilities of mankind, it can be argued that additional benefits are needed for pregnancy. This line of reasoning treats women as a class and ignores individual differences. The essence of the fair employment concept is individual rather than class treatment.

Individual women who are not pregnant and individual men may be absent more in a given period of time because of temporary disabilities than women who are having babies during that period. The 1961 survey of the Civil Service Commission of sick leave usage by Federal employees shows small differences in the percentages of men and women having zero sick leave balances and negative sick leave balances (those who have been advanced sick leave), indicating that the present system is inadequate for a small percentage of both men and women.

Annual Public Health Service Surveys show that women and men lose about the same amount of time from work because of acute disabilities, including childbirth and complications of pregnancy. In 1968, men averaged 5.2 days per year and women 5.9 days per year; in 1967 it was 5.3 and 5.6 days per year.

Giving special treatment for pregnancy will inevitably lead to situations in which men and other women who are suffering from disabilities other than pregnancy will have less benefits than pregnant women. This is not sociologically or economically justified and would be divisive. In addition, in the United States where the employer frequently pays all or part of the cost of such benefits, such policies could very well result in reluctance to hire women of childbearing age.